IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2185 OF 2003

Mr.N.V.Gangal for the Petitioner.

Mr.P.M.Pradhan for Respondent No.1.

Mr.A.P.Vanarse, AGP for State.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 20TH APRIL,2005

P.C.:

Heard the learned Counsel for the Petitioner. Perused the record and the order passed by the Additional Commissioner. Admitted position is that the transaction is without seeking permission. What is contemplated by law is prior permission. Obviously, therefore, the transaction without prior permission is ab-initio void. Settled law is that whenever statute

contemplates prior permission, that requirement is mandatory. A transaction entered into in breach of that condition would be ab-initio void. Perusal of the memorandum of revision shows that grounds raised therein are unintelligible. I find that the filing of such petition itself amounts to abuse of the process of the court. Petition is, therefore, rejected. Petitioner is directed to pay costs of this petition to the Respondents Nos. 3 to 5 as incurred by them.

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